

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTT FRANCIS ICEBERG,

Plaintiff,

v.

KING COUNTY SUPERIOR COURT, et al.,

Defendants.

Case No. C20-1595RSM

ORDER DENYING MOTION FOR
SERVICE BY UNITED STATES
MARSHAL

This matter comes before the Court on Plaintiff's Motion for Service of Summonses by United States Marshal Service. Dkt. #7. Plaintiff is proceeding in this matter *in forma pauperis* and therefore seeks assistance with service of the Summons and Complaint on Defendants. He states he has been unable to identify a registered agent for Defendant King County Superior Court and typically prefers to submit a request for waiver of service. *Id.* at 2.

Federal Rule of Civil Procedure 4(c)(3) provides:

At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in *forma pauperis* under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.

The Rule allows the Court to order service by the Marshal when requested, and mandates it for *in forma pauperis* prisoner plaintiffs proceeding under 28 U.S.C. § 1915.

1 Although Plaintiff was granted leave to proceed in forma pauperis in this Court, he is not a
2 prisoner. However, the Court recognizes that Plaintiff has limited means and the Court should
3 assist in the service of this matter.

4 While the Court would typically grant this request when there has not been an
5 appearance on behalf of defendants, an attorney has appeared in this matter. Dkt. #5. Before
6 ordering the United States Marshal and court staff to prepare documents and serve Defendants,
7 the Court will request that the parties quickly confer and inform the Court if such is necessary.
8

9 Having reviewed Plaintiff's motion, and for the reasons stated above, the Court hereby
10 finds and ORDERS:

- 11 1. Plaintiff's Motion for Service by U.S. Marshal, Dkt. #7, is DENIED at this time.
- 12 2. The parties are to confer via telephone or email within the next seven (7) days to
13 determine if the relief requested in this motion remains necessary. If service
14 cannot be accomplished without Court assistance, Plaintiff is to inform the Court
15 immediately by filing a notice on the docket.
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- 17 3. The Clerk shall mail a copy of this Order to Plaintiff via U.S. Mail.
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20 DATED this 16th day of December, 2020.
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24 RICARDO S. MARTINEZ
25 CHIEF UNITED STATES DISTRICT JUDGE
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